

outyears as this program continues on and on and on? I am not sure anybody here on this floor today knows for certain.

I can tell you this: I got into the fatherhood business 4 years ago. I now have a 4-year-old daughter and 2½-year-old son; and I can tell you once I helped bring them into the world, they have been very hungry, very expensive, and very needful people. Now, I love them very much, but again, using this analogy, they can get very expensive in the outyears.

So, Mr. Speaker, another point I would like to address as many speakers came here today to make a very compelling argument that this was a vital transportation program, that it was a very vital program related to our homeland security, God forbid should another 9/11 occur. But if this is true, Mr. Speaker, I ask the question, why was this program not originally funded in the homeland security appropriations bill? Why was this project not originally funded in the transportation appropriations bill? Many competing interests come together in those bills, hopefully within a budget constraint, and decisions are made about Federal priorities. So, again, if this is such a priority, I am wondering why it was not included there.

But again, Mr. Speaker, at the end of the day, my concern here is that somehow, some way a combination of these two bills is going to mean at a time when tax revenues are at their highest, at a time when the national debt is at its highest, at a time where we already have 10,000 Federal programs and they grow each day, that we are going to have a new Federal program, and again, no matter how worthy it may be, without taking away some other lower-priority Federal program, and I just do not believe that the OCS dedicated revenue stream that was already spoken for, that even if the gentleman from Virginia has been successful, and maybe he has been, in dedicating that funding to his bill, then some other program has gone unfunded; and therefore, again the Federal taxpayer today in the future will be on the hook.

For those reasons, Mr. Speaker, I would urge defeat of the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Before I begin, I would ask unanimous consent to put the memorandum from Greg Waring of the Congressional Budget Office into the RECORD noting that CBO has reviewed the proposed amendment and it does not authorize any additional appropriations, score of zero.

The SPEAKER pro tempore (Mr. ADERHOLT). Is there objection to the request of the gentleman from Virginia?

There was no objection.

NATURAL & PHYSICAL RESOURCES  
COST ESTIMATES UNIT CONGRES-  
SIONAL BUDGET OFFICE,

From: Greg Waring

Sent: Tuesday, July 11, 2006 5:42 PM

To: Puccerella, Ed

Cc: Robert Murphy; Mark Hadley

Subject: HR 3496 budgetary impact

Ed: CBO has reviewed the proposed amendment to H.R. 3496. The language would link

funding for the capital and preventive maintenance projects to the authorization of appropriation provided in Section 30 of H.R. 4761, as passed the House of Representatives on June 29, 2006. CBO expects that the proposed amendment would not authorize any additional appropriations.

Please let me know if you have any additional questions.

GREGORY WARING,

Analyst.

From: Puccerella, Ed

Sent: 7/11/2006 4:52 PM.

GREG: Per our conversation with Budget Committee and you all at CBO here is the revised appropriation language that the Chairman would like to add to H.R. 3496 when it goes to the floor. Can you please confirm that this language would not authorize any additional appropriations that are not otherwise authorized under H.R. 4761 as passed by the House? We would like this language to be effectively budget neutral.

Thanks, Ed

(e) Amount.—There are authorized to be appropriated such sums as are made available to the Secretary of Treasury to make payments to the Washington Metropolitan Area Transit Authority pursuant to section 9(k) of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

(f) Availability.—Amounts appropriated pursuant to the authorization under this section

(1) shall remain available until expended; and

(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 53 of title 49, United States Code, or any other provision of law.

EDWARD J. PUCCERELLA,

COMMITTEE ON GOVERNMENT REFORM,

TOM DAVIS,

CHAIRMAN.

Mr. TOM DAVIS of Virginia. Mr. Speaker, this is not a new program. This program was authorized in 1960 and signed by President Eisenhower. It has been reauthorized four times; and I hope it has a long life, a long productive life, taking commuters off clogged roads and using mass transit so we can reduce our energy dependency on foreign oil.

Mr. Speaker, this is not an authorization of funds. It is about making sure, as my colleagues have said, that this money is spent well. If this goes down, the money still goes through without any checks and balances and Inspector Generals or any of these being set up. If you vote against this bill, you are not saying we should not spend any extra dollars on the Metro system. You are not saying that. You are saying they can spend the extra dollars without the congressional oversight.

Statistics show that Metro is, in fact, one of the best run systems, but I am not willing to say they are so good that no improvements are required and additional oversight is not required.

The provisions in this came from a GAO report. It is our responsibility in Congress to ensure Federal dollars are well spent. There should be nothing contentious about requiring an Inspector General, adding Federal members to the board, or requiring the jurisdictions to truly provide stable funding to the system.

So I urge my colleagues to offer this bill their full support.

I appreciate the comments of my colleague. He has long been a supporter of

no further Federal spending, but we are out the barn door on this. That happened under the previous legislation, under the Deep Ocean Energy Resources Act. This refines it and controls it and makes sure the money is well spent.

I hope my colleagues will join us in legislation that scores zero with the Congressional Budget Office and reauthorizes this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 3496, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HENSARLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

## FEDERAL JUDICIARY EMERGENCY TOLLING ACT OF 2006

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3729) to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts, as amended.

The Clerk read as follows:

H.R. 3729

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Judiciary Emergency Tolling Act of 2006".

### SEC. 2. EMERGENCY AUTHORITY TO DELAY OR TOLL JUDICIAL PROCEEDINGS.

(a) IN GENERAL.—Chapter 111 of title 28, United States Code, is amended by adding at the end the following:

#### "§ 1660. Emergency authority to delay or toll judicial deadlines

"(a) TOLLING IN DISTRICT COURTS.—

"(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of courts or rendering it impracticable for the United States Government or a class of litigants to comply with deadlines imposed by any Federal or State law or rule that applies in the courts of the United States, the chief judge of a district court that has been affected may exercise emergency authority in accordance with this section.

"(2) SCOPE OF AUTHORITY.—(A) The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in

the district court or bankruptcy court of the district.

“(B) Except as provided in subparagraph (C), the authority conferred by this section extends to all laws and rules affecting criminal and juvenile proceedings (including, prearrest, post-arrest, pretrial, trial, and post-trial procedures), civil actions, bankruptcy proceedings, and the time for filing and perfecting an appeal.

“(C) The authority conferred by this section does not include the authority to extend—

“(i) any statute of limitation for a criminal action; or

“(ii) any statute of limitation for a civil action, if—

“(I) the claim arises under the laws of a State; and

“(II) extending the limitations period would be inconsistent with the governing State law.

“(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the district is unavailable, the authority conferred by this section may be exercised by the district judge in regular active service who is senior in commission or, if no such judge is available, by the chief judge of the circuit that includes the district.

“(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

“(b) CRIMINAL CASES.—In exercising the authority under subsection (a) for criminal cases, the court shall consider the ability of the United States Government to investigate, litigate, and process defendants during and after the emergency situation, as well as the ability of criminal defendants as a class to prepare their defenses.

“(c) TOLLING IN COURTS OF APPEALS.—

“(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of courts or rendering it impracticable for the United States Government or a class of litigants to comply with deadlines imposed by any federal or States law or rule that applies in the courts of the United States, the chief judge of a court of appeals that has been affected or that includes a district court so affected may exercise emergency authority in accordance with this section.

“(2) SCOPE OF AUTHORITY.—The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending in the court of appeals.

“(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the circuit is unavailable, the authority conferred by this section may be exercised by the circuit judge in regular active service who is senior in commission.

“(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

“(d) ISSUANCE OF ORDERS.—The Attorney General or the Attorney General's designee may request issuance of an order under this section, or the chief judge of a district or of a circuit may act on his or her own motion.

“(e) DURATION OF ORDERS.—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that, if the chief judge (whether of a district or of a circuit) determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the judicial council of the circuit, enter additional orders under this section in order to further toll or extend such time deadline.

“(f) NOTICE.—A court issuing an order under this section—

“(1) shall make all reasonable efforts to publicize the order, including announcing the order on the web sites of all affected courts and the web site of the Federal judiciary; and

“(2) shall, through the Director of the Administrative Office of the United States Courts, send notice of the order, including the reasons for the issuance of the order, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

“(g) REQUIRED REPORTS.—A court issuing one or more orders under this section relating to an emergency situation shall, not later than 180 days after the date on which the last extension or tolling of a time period made by the order or orders ends, submit a brief report to the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, and the Judicial Conference of the United States describing the orders, including—

“(1) the reasons for issuing the orders;

“(2) the duration of the orders;

“(3) the effects of the orders on litigants; and

“(4) the costs to the judiciary resulting from the orders.

“(h) EXCEPTIONS.—The notice under subsection (f)(2) and the report under subsection (g) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 111 of title 28, United States Code, is amended by adding at the end the following new item:

“1660. Emergency authority to delay or toll judicial deadlines.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

#### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 3729 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3729. This legislation would grant the chief judge of any district or appeals court the authority to enter an order to delay or toll any deadlines on pending cases whenever an affected court has closed due to a natural disaster or other emergency situation.

While the court can generally be expected to give consideration to the difficulties faced by litigants in such cases, this legislation is designed to ensure that the court also gives appropriate consideration to the unique burdens that may be imposed on the Federal Government in responding to an emergency.

When a disaster occurs, the field offices of Federal law enforcement agencies may lose access to case files, evi-

dence and other materials critical to the timely prosecution and adjudication of pending cases. Additionally, the government may be forced to reallocate personnel and other resources to address critical, often life-threatening, situations that arise as a consequence of such disasters. Last year's devastating hurricanes that struck New Orleans and much of the gulf region provide a recent example of circumstances where this bill would help ensure that justice can continue to be administered.

The version of H.R. 3729 we consider today reflects bipartisan, clarifying changes adopted in committee based on discussions with the Administrative Office of the U.S. Courts and the Department of Justice. This legislation preserves the primacy of State law by expressly providing that the bill's authority does not extend to any statute of limitation for a criminal or civil action if the claim arises under State law and extending that limitation would be inconsistent with the governing State law.

Additionally, the bill expressly provides that the bill not be construed to authorize suspension of habeas corpus, and places a limitation of 14 days on the amount of time a deadline may be extended or tolled while preserving the ability of a judge to seek additional time extensions.

Finally, this legislation requires that a court issuing an order to toll or delay deadlines make all reasonable efforts to publicize the order on the Web sites of the Federal judiciary and all affected courts and notify the House and Senate Judiciary Committees when such action is taken.

Mr. Speaker, this bill helps ensure that the fair and timely administration of justice, which is central to our form of government, is not imperiled by natural disasters or other emergency circumstances.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 3729.

The bill, as has been indicated, makes several key changes to current law which will help guarantee our Federal court system will be able to adequately function in the wake of a natural disaster or other emergency.

First, it provides the chief judge of a Federal judicial district with the appropriate level of discretion to toll or delay deadlines for any class of cases pending before the court at the time of a natural disaster or emergency.

It also, in a newly proposed section 2 of the bill, includes important language which makes clear that this bill is not to be construed to authorize the suspension of the writ of habeas corpus, as has been noted as a very important consideration.

Third, the legislation limits the amount of time that a chief judge may

extend or toll a deadline to no more than 14 days, except where the judge determines that an emergency situation requires additional extensions.

And finally, for any court that decides to toll or delay a deadline, the legislation creates a notice requirement. Among other things, this notice requirement would direct courts to make all reasonable efforts to publicize the order, including announcing the order on Web sites of all affected courts and the Web site of the Federal judiciary and require the director of the Administrative Office of the Courts to send copies of each notice, including the reasons for their issuance, to the House and the Senate Judiciary Committees.

□ 1515

It is worth noting that this latter provision will go a long way toward helping our committee conduct adequate oversight and assist in our efforts to detect any possible abuses.

In closing, I thank the chairman of the Committee on the Judiciary, Mr. SENSENBRENNER, for his willingness to work with Members on this side of the aisle to address many of our concerns regarding the legislation. This is truly bipartisan. I urge my colleagues to support this worthwhile measure.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3729, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

## VOLUNTEER PILOT ORGANIZATION PROTECTION ACT OF 2006

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1871) to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations, as amended.

The Clerk read as follows:

H.R. 1871

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Volunteer Pilot Organization Protection Act of 2006".

### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Scores of public benefit nonprofit volunteer pilot organizations provide valuable services to communities and individuals.

(2) In calendar year 2001, nonprofit volunteer pilot organizations provided long-distance, no-cost transportation for over 30,000 people in times of special need.

(3) Such organizations are no longer able to reasonably purchase non-owned aircraft liability insurance to provide liability protection, and thus face a highly detrimental liability risk.

(4) Such organizations have supported the interests of homeland security by providing volunteer pilot services at times of national emergency.

(b) PURPOSE.—The purpose of this Act is to promote the activities of nonprofit volunteer pilot organizations flying for public benefit and to sustain the availability of the services that such organizations provide, including transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis, as well as other flights of compassion and flights for humanitarian and charitable purposes.

### SEC. 3. LIABILITY PROTECTION FOR NONPROFIT VOLUNTEER PILOT ORGANIZATIONS FLYING FOR PUBLIC BENEFIT AND TO PILOTS AND STAFF OF SUCH ORGANIZATIONS.

Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) in subsection (a)(4)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting "(A)" after "(4)";

(C) by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following:

"(B) the harm was caused by a volunteer of a nonprofit volunteer pilot organization that flies for public benefit, while the volunteer was flying in furtherance of the purpose of the organization and was operating an aircraft for which the volunteer was properly licensed and insured, unless the conduct constitutes a Federal crime of terrorism (as such term is defined in section 2332b(g)(5) of title 18, United States Code) or an act of domestic terrorism (as such term is defined in section 2331 of such title), or unless the entity has been convicted of an offense under section 2339A of such title.";

(2) in subsection (b)—

(A) by amending the heading to read as follows: "CONCERNING RESPONSIBILITY OF VOLUNTEERS";

(B) by inserting "(1)" before "Nothing"; and

(C) by adding at the end the following new paragraph:

"(2) Nothing in this section shall be construed to affect the liability for negligence of a volunteer of a nonprofit volunteer pilot organization that flies for public benefit with respect to amounts within the limits of liability insurance coverage that such volunteer is required to obtain pursuant to subsection (a)(4)(B) for liability protection under this section."; and

(3) in subsection (c)—

(A) by inserting "(1)" before "Nothing"; and

(B) by adding at the end the following new paragraph:

"(2) Notwithstanding paragraph (1), a nonprofit volunteer pilot organization that flies for public benefit, and the staff, mission coordinators, officers, and directors (whether volunteer or otherwise) of such organization or a referring agency of such organization, shall not be liable with respect to harm caused to any person by a volunteer of such organization, while the volunteer is flying in furtherance of the purpose of the organization and is operating an aircraft for which the volunteer is properly licensed and has

certified to such organization that such volunteer has in force insurance for operating such aircraft. Such referring agency shall include, among others, any nonprofit organization that provides disaster relief services that place staff, volunteers, evacuees, goods, supplies, or cargo on aircraft flights being coordinated by volunteer pilot organizations in circumstances of disaster response and relief."

### SEC. 4. REPORT BY ATTORNEY GENERAL.

(a) STUDY REQUIRED.—The Attorney General shall carry out a study on the availability of insurance to nonprofit volunteer pilot organizations that fly for public benefit. In carrying out the study, the Attorney General shall make findings with respect to—

(1) whether nonprofit volunteer pilot organizations are able to obtain insurance;

(2) if no, then why;

(3) if yes, then on what terms such insurance is offered; and

(4) if the inability of nonprofit volunteer pilot organizations to obtain insurance has any impact on the associations' ability to operate.

(b) REPORT.—After completing the study, the Attorney General shall submit to Congress a report on the results of the study. The report shall include the findings of the study and any conclusions and recommendations that the Attorney General considers appropriate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1871 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1871, the Volunteer Pilot Organization Protection Act. This bill is narrowly tailored to correct specific liability exposure for volunteer and nonprofit activities.

In 1997, Congress passed the Volunteer Protection Act to shield volunteers from liability from some forms of negligence in response to concerns that America's lawsuit culture was inhibiting this country's rich tradition of volunteerism. However, that act does not protect volunteers who operate an automobile, vessel or aircraft, nor does it protect the organizations that coordinate the volunteers.

There are approximately 30 separate volunteer pilot organizations flying for the public benefit, the largest of which function together as Angel Flight America. These organizations coordinate almost 8,000 volunteer pilots, who fly anywhere from one to 50 volunteer missions a year, all at their own personal expense. These pilots conduct